

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDIN A. CHACON,

Plaintiff,

v.

J. CERRINI, et al.,

Defendants.

Case No.: C 13-1982 CW (PR)

ORDER DENYING PLAINTIFF'S  
MOTION TO STAY CASE AS MOOT

Doc. no. 13

On April 30, 2013, Plaintiff, a state prisoner formerly incarcerated at the California Correctional Institution at Tehachapi (CCI) and now on parole, filed a pro se civil rights action pursuant to 42 U.S.C. § 1983, alleging the violation of his constitutional rights by prison officials at San Quentin State Prison (SQSP). On May 30, 2013, the Court ordered service of the complaint; Defendants' dispositive motion was due to be filed by August 28, 2013. On July 26, 2013, Plaintiff filed the instant motion to stay the case pending his parole because his legal files had to be packed and transported to his new residence. Plaintiff moved to stay the case for thirty days from September 19, 2013, the day he was to be paroled.

On August 13 and October 11, 2013, Defendants moved for extensions of time to file their dispositive motion. The Court granted Defendants' motions and their dispositive motion is now due on December 27, 2013. Therefore, even though the Court has not ruled on Plaintiff's motion for a stay, this case, in effect, has been stayed beyond the time Plaintiff requested because Defendants have not yet filed a dispositive motion. Thus, Plaintiff's motion for a stay is now moot and is denied as such.

Plaintiff has twenty-eight days from the date Defendants file

1 their dispositive motion to file his opposition. If, after  
2 Plaintiff receives Defendants' motion, he finds that he needs more  
3 time in which to file his opposition, he may move for an extension  
4 of time.

5 CONCLUSION

6 For the foregoing reasons, the Court orders as follows:

- 7 1. Plaintiff's motion for a stay is denied as moot.  
8 2. This Order terminates Docket no. 13.

9 IT IS SO ORDERED.

10 Dated: 12/19/2013

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12 CLAUDIA WILKEN  
13 UNITED STATES DISTRICT JUDGE  
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